

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CORPORAL TIMOTHY SHOCKLEY,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 06-478
GOVERNOR RUTH ANN MINNER, individually; and)	
COLONEL THOMAS F. MACLEISH in his official)	
capacity as the Superintendent, Delaware State Police;)	JURY TRIAL DEMANDED
and DIVISION OF STATE POLICE, DEPARTMENT)	
OF SAFETY AND HOMELAND SECURITY, STATE)	
OF DELAWARE,)	
)	
Defendants.)	

ANSWER

Defendants answer the Complaint as follows:

1. It is denied that the Governor of the State of Delaware ("Governor") discriminated against Plaintiff based on his gender. It is denied that the Governor vetoed Plaintiff's promotion to the rank of Sergeant because of his gender. It is denied that Plaintiff has direct and circumstantial evidence of the Governor's animosity toward men. It is admitted that this is a civil action and that Plaintiff seeks injunctive relief and compensatory and punitive damages. The remaining averments of this paragraph of the Complaint are denied.

I. JURISDICTION

2. This paragraph states a legal conclusion as to which no response is required.

II. THE PARTIES

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

III. FACTS GIVING RISE TO THE ACTION

7. Admitted; except it is denied that Plaintiff had 14 years' of service at the time the Complaint was filed.

8. Denied; except that it is admitted that Plaintiff served on the Executive Protection Unit from December 2000 to May 2005 and attended a Dignitary Protection Seminar in June 2001.

9. Denied; except it is admitted that Plaintiff tested for promotion to the rank of Sergeant in 2001 and was placed on D Band of a promotional list which expired on December 31, 2003.

10. Denied; except it is admitted that Douglas B. Hudson ("Hudson") and Harlan R. Blades ("Blades") were promoted from the rank of Corporal/3 to the rank of Sergeant effective September 21, 2003.

11. Denied. By way of further answer, Secretary of Safety and Homeland Security James L. Ford, Jr., retired effective May 1, 2004.

12. Denied.

13. Denied; except it is admitted that a female trooper was assigned to the Executive Protection Unit as Acting Non-Commissioned Officer in Charge ("NCOIC") from on or about May 1, 2003, until her promotion to Sergeant and assignment as NCOIC of the Executive Protection Unit on or about October 1, 2005.

14. Denied; except, by way of further answer, it is admitted that the existing Band D expired on December 31, 2003, and that a female trooper became the NCOIC of the Executive Protection Unit on or about October 1, 2005. The female trooper who became the NCOIC of the Executive Protection Unit attended a one-day training program at the Secret Service Dignitary Protection School in Washington, DC, and a three-day training program at the Pennsylvania Dignitary Protection School during the administration of Governor Thomas P. Carper. She also attended the Executive Protection Leadership School while serving under Governor Ruth Ann Minner.

15. Denied.

IV. ALLEGATIONS REGARDING THE DEFENDANTS' CONDUCT

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

COUNT I (PROMOTION)

30. Defendants repeat and reallege paragraphs 1-29 as set out above.

A. DIRECT EVIDENCE ANALYSIS

31. Denied.

32. Denied.

33. Admitted.

34. Denied.

35. Denied.

36. Denied.

B. PRETEXT ANALYSIS

37. Denied. Plaintiff was not on the promotional list when a female trooper was promoted to Sergeant and NCOIC of the Executive Protection Unit on or about October 1, 2005. Plaintiff's score on the required written test was so low, he was eliminated during the promotion period. The last promotional list on which Plaintiff's name appeared expired on December 31, 2003.

38. Denied.

39. Admitted.

40. Admitted that vacancies at the rank of Sergeant have existed in the Division of the Delaware State Police ("DSP").

41. Admitted.

42. Denied.

43. Denied.

44. Denied.

(a). CIRCUMSTANTIAL AND DIRECT EVIDENCE OF INTENT

45. Denied.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Denied.

51. Denied.

52. Denied.

53. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE—STATUTE OF LIMITATIONS

1. On or about June 1, 2001, Colonel Gerald R. Pepper, Jr. ("Pepper"), then Superintendent of the DSP, issued Memorandum 16-01 describing the process to be used by the DSP for promotions to the ranks of Sergeant, Lieutenant, and Captain. (Exhibit A). This Memorandum stated that a promotional list would be developed for rank of Sergeant "consisting of a series of bands containing the names of equally qualified candidates." (Exhibit A at C21). It also stated that "[a]ll candidates eligible for promotion at a particular point in the process from a higher band, will be selected before consideration of individuals within a lower band." (Exhibit A at C25).

2. On or about November 21, 2001, Lt. Colonel L. Aaron Chaffinch ("Chaffinch"), then Acting Superintendent of the DSP, issued Memorandum 37-01 announcing the promotional list described in Memorandum 16-01. (Exhibit B). The promotional list contained only 3 bands – A Band, B Band, and C Band. Memorandum 37-01 indicated that "Bands D, E, F, and G will be published if and when it appears that promotions may be selected from those bands." (Exhibit B at C11). Memorandum 37-01 also stated that "[p]romotions will be selected from the bands until December 31, 2003, or until such time as a new list is promulgated." (Exhibit B at C10). Plaintiff's name did not appear on the A Band, B Band, or C Band announced in Memorandum 37-01. (Exhibit B at C11).

3. On June 17, 2003, Chaffinch, then Superintendent of the DSP, issued Memorandum 10-03 publishing D Band as discussed in Memorandum 37-01. Plaintiff's name appeared on D Band. (Exhibit C).

4. On August 22, 2003, Chaffinch sent an email announcing, among other things, promotions from Corporal to Sergeant. Eight individuals, including Hudson and Blades, were promoted from Corporal to Sergeant. Plaintiff was not promoted. The promotions became effective on September 21, 2003. (Exhibit D at C3).

5. On December 31, 2003, the existing bands for promotion to Sergeant expired as stated in Memorandum 37-01. At that time, Plaintiff was one of twenty-nine candidates eligible for promotion from Band D but not promoted.

6. On or about February 18, 2004, Chaffinch, then Superintendent of the DSP, issued Memorandum 01-04B describing the process to be used by the DSP for promotions to the ranks of Sergeant, Lieutenant, and Captain. (Exhibit E). This

Memorandum stated that a written test would be administered on March 27, 2004, and that only the top-scoring seventy-five (75) candidates would continue. (Exhibit E at C35-36). Plaintiff's score on the written test did not place him in the top seventy-five (75) candidates. As a result, he was eliminated from the promotional process.

7. On or about May 28, 2004 Chaffinch, then Superintendent of the DSP, issued Memorandum 13-04 announcing the formation of the promotional list described in Memorandum 01-04B. (Exhibit F). The promotional list contained only two bands – A Band and B Band. Memorandum 13-04 indicated that "Bands C, D, and E will be published if and when it appears that promotions may be selected from those bands." Memorandum 13-04 also stated that "[p]romotions will be selected from the bands until June 30, 2006, or until such time as a new list is promulgated." Plaintiff's name did not appear on the A Band or B Band announced in Memorandum 13-04 because he had been previously eliminated from the promotion process because his score on the written test was not among the top seventy-five (75) candidates. (Exhibit F at C29).

8. Plaintiff is not eligible for promotion from Corporal to Sergeant so long as the promotional list established by Memoranda 01-04B and 13-04 remains in effect.

9. On October 1, 2005, a female trooper, whose name appeared on B Band in Memorandum 13-04 (Exhibit F at C29), was promoted to Sergeant and became the NCOIC of the Executive Protection Unit. Plaintiff was not eligible for this promotion because his name did not appear on the promotion list announced in Memorandum 13-04. (Exhibit F at C29).

10. Plaintiff brings this action under 42 U.S.C. § 1983 ("Section 1983").

11. The statute of limitations for bringing a civil rights suit under Section 1983 is the same as the state statute of limitations for bringing a personal injury action. Thus, Section 1983 claims in Delaware are governed by the two-year limitations period contained in 10 *Del. C.* § 8119. The two-year statute of limitations on a Section 1983 claim begins to run when the plaintiff should have known about the injury that forms the basis of his cause of action.

12. Plaintiff should have known of the injury that forms the basis of his cause of action on August 22, 2003, when the DSP announced the promotions from Corporal to Sergeant, which included Hudson and Blades.

13. Plaintiff cannot challenge any promotion subsequent to December 31, 2003, because he was not and is not eligible for promotion.

14. Plaintiff filed the Complaint on August 4, 2006.

15. The Complaint is barred by the applicable two-year statute of limitations.

SECOND AFFIRMATIVE DEFENSE – QUALIFIED IMMUNITY

1. Defendant Governor Ruth Ann Minner is entitled to qualified immunity.

THIRD AFFIRMATIVE DEFENSE – WAIVER AND ESTOPPEL

1. The Complaint is barred by the doctrines of waiver and estoppel.

FOURTH AFFIRMATIVE DEFENSE – FAILURE TO STATE CLAIM

1. Plaintiff's claims fail to state a claim upon which relief can be granted.

FIFTH AFFIRMATIVE DEFENSE – GOOD FAITH EFFORT

1. Plaintiff's claims fail in whole or in part because at all times Defendants made a good-faith effort to comply with applicable law, acted lawfully, and with legitimate non-discriminatory business reasons that were not a pretext for unlawful discrimination.

SIXTH AFFIRMATIVE DEFENSE – ELEVENTH AMENDMENT

1. Plaintiff's claims against Defendants Colonel Thomas F. MacLeish and Division of State Police are barred by the Eleventh Amendment and the doctrine of sovereign immunity.

SEVENTH AFFIRMATIVE DEFENSE – PROPER PARTIES

1. Defendants Colonel Thomas F. MacLeish and Division of State Police are not "persons" subject to suit under Section 1983.

WHEREFORE, Defendants respectfully request that this action be dismissed with prejudice, with costs and attorneys' fees assessed against Plaintiff.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/William W. Bowser

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STATE OF DELAWARE DEPARTMENT OF JUSTICE

/s/Ralph K. Durstein

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Attorneys for Colonel Thomas F. MacLeish and Division
of State Police, Department of Safety and Homeland
Security, State of Delaware

DATED: January 18, 2007


EXHIBIT A

DELAWARE STATE POLICE
HEADQUARTERS

June 1, 2001

MEMORANDUM NO. 16-01

TO: ALL TROOPS AND SECTIONS

FROM: Colonel Gerald R. Pepper, Jr. 
Superintendent

SUBJECT: Promotional Testing for Sergeant, Lieutenant and Captain;
Rules for

I. Selection process for Captain:

- A. The Superintendent shall make promotions to the rank of Captain from the list of eligible candidates following consideration of the factors noted below in Section I - D. The list of eligible candidates shall consist of Lieutenants who:
1. Indicate their interest by entering the selection process, and;
 2. Take the written examination and score within a band approved, as in Section IV - A - 1, to proceed to the Assessment Center, and;
 3. Participate in the Assessment Center, and;
 4. Possess a Bachelors Degree if hired after July 1, 1985, and;
 5. Have one year in grade at the rank of Lieutenant at the time of promotion, and;
 6. Meet general Divisional requirements for promotion as listed in Section IV.
- B. The written examination for Lieutenants to compete for the rank of Captain will be given in Classroom 1 of the Delaware State Police Training Academy **at 1230 hours on Monday, September 10, 2001.**
1. The written examination will consist of 100 multiple-choice questions selected from the following sources:

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- a. Police Administration: Structures, Processes, and Behavior. By Charles R. Swanson, Leonard Territo, and Robert W. Taylor, 5th Edition, August, 2000. Prentice Hall.
 1. Approximately 40 %
 2. Available through Justex, Inc. (\$77 plus shipping) (order forms will be delivered to troops & sections), amazon.com. (\$74 plus shipping) and Barnes & Noble.com. (\$77 plus shipping).
 - b. American Law Enforcement 2001: Tactical Risk Management – A look at the link between proper conduct, ethical behavior and decision making, maximizing customer service and eliminating police civil liability, by Gordon J. Graham.
 1. Approximately 5 %
 2. Will be distributed to all troops and sections.
 - c. Diversity for the 21st Century and Beyond Delaware State Police, by Ondra L. Berry.
 1. Approximately 5 %
 2. Will be distributed to all troops and sections.
 - d. DSP Divisional and Administrative Manuals
 1. Approximately 40%
 2. Available on the DSP Intranet.
 - e. Delaware Criminal and Traffic Law Manual, 2000-01 Edition
 1. Approximately 10%
 2. The portion of the examination taken from the Delaware Criminal and Traffic Law Manual will be open book. Candidates should bring a copy of the Law Manual to the test site.
2. Study Skills Seminars will be conducted **at 1400 hours, June 26, 2001, and again at 1830 hours, June 27, 2001,** in Classroom 1 of the DSP Training Academy. **E-mail Laurie Balcerak of the Human Resources Office to reserve a seat for one of the seminars.** The instructor will be Captain Gregory Warren.
 3. Lieutenants intending to take the written examination and compete for Captain must **notify Laurie Balcerak, of the Human Resources Office, before 1600 hours, August 24, 2001.**

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- C. Assessment Center – Candidates, as determined in accordance with Section IV – A - 1, below, shall proceed to the Assessment Center phase of the promotion process. An Assessment Center will be developed and conducted by the International Association of Chiefs of Police.
1. Assessors will be selected from other State Police Departments by the IACP, trained in the Assessment Center process, and familiarized with the DSP through the information gathered in the job task analysis.
 2. The Assessment Center will consist of a number of exercises designed to measure and report on management knowledge, skills, and abilities essential to the rank of Captain.
 3. A written evaluation on each candidate will be developed by the assessors describing, in narrative and not quantitative form, the management strengths and weakness of each candidate as demonstrated in the Assessment Center.
 4. The Director of Human Resources shall oversee the Assessment Center process to facilitate its completion and ensure that it is conducted in accordance with principles of fairness and acceptable personnel practice.
 5. All candidates for the rank of Captain will appear before the Assessors in the proper uniform of the day.
 6. An orientation and training program of the assessment center process will be conducted by the IACP. The date and location of the training will be announced later.
- D. Selection - The Superintendent shall promote candidates to the rank of Captain from the list of eligible candidates after considering the following factors:
1. The result of the written examination;
 2. The result of the Assessment Center;
 3. The Performance Evaluations of the candidate from January 1, 2000, until the new list expires;
 4. The candidate's formal and informal academic qualifications;
 5. The candidate's experience and past assignments within the DSP;
 6. The candidate's history of discipline;

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7. Any awards, honors, and recognition received by the candidate;
 8. The assignment to which the candidate will be, or could be, assigned to perform;
 9. Any other factors that, at the discretion of the Superintendent, reflect on the candidate's ability to fill the vacancy and benefit the Division.
- E. Any officer currently at the rank of Lieutenant may compete for the rank of Captain. A candidate must have a minimum of one year in grade to be eligible to be selected for promotion.

II. Selection Process for Lieutenant:

- A. A promotional list will be developed for the rank of Lieutenant consisting of a series of bands containing the names of equally qualified candidates distributed on the basis of candidates performance on the written examination and oral board presentation.
- B. The written examination for Sergeants competing for the rank of Lieutenant will be given in Classroom 1 of the Delaware State Police Training Academy **at 0800 hours on Monday, September 10, 2001.**
1. The written examination will consist of 100 multiple choice questions selected from the following sources:
 - a. Police Administration: Structures, Processes, and Behavior. By Charles R. Swanson, Leonard Territo, and Robert W. Taylor, 5th Edition, August 2000. Prentice Hall.
 1. Approximately 40 %
 2. Available through Justex, Inc. (\$77 plus shipping) (order forms will be delivered to Troops & Sections), amazon.com. (\$74 plus shipping) and Barnes & Noble.com. (\$77 plus shipping).
 - b. American Law Enforcement 2001: Tactical Risk Management – A look at the link between proper conduct, ethical behavior and decision making, maximizing customer service and eliminating police civil liability, by Gordon J. Graham.
 1. Approximately 5 %
 2. Will be distributed to all troops and sections.
 - c. Diversity for the 21st Century and Beyond Delaware State Police, by Ondra L. Berry.

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1. Approximately 5 %
 2. Will be distributed to all troops and sections.
- d. DSP Divisional and Administrative Manuals
1. Approximately 30%.
 2. Available on the DSP Intranet.
- e. Delaware Criminal and Traffic Law Manual, 2000-01 Edition
1. Approximately 20%.
 2. The portion of the examination taken from the Delaware Criminal and Traffic Law Manual will be open book. Candidates should bring a copy of the Law Manual to the test
2. A Study Skills Seminar will be conducted at **1400 hours, June 26, 2001, and again at 1830 hours, June 27, 2001**, in Classroom 1 of the DSP Training Academy. E-mail Laurie Balcerak at the Human Resources Office to reserve a seat. The instructor will be Captain Gregory Warren.
3. Sergeants intending to take the written examination and compete for the rank of Lieutenant must notify Laurie Balcerak of the Human Resources Office before 1600 hours, August 24, 2001.
- C. Oral Board - The highest scoring candidates on the written examination as determined in accordance with Section IV – A - 1, below, shall proceed to the Oral Board phase of the promotion process.
1. The Oral Board will consist of (5) five members of State Police Departments in surrounding states at the rank being selected or above. Names of board members will be announced later.
 2. The candidate will be provided with one or more scenario-type situations approximately forty-five minutes to one hour before the start of the Oral Board examination to prepare a presentation to the Board. The candidate will have approximately fifteen (15) minutes to present his/her response of the scenario to the Board. Following the candidate's presentation, the Board will ask follow-up questions pertaining to the presentation and/or other situations appropriate to the rank of Lieutenant. The complete description of the Oral Board process, as well as the instructions on how the candidates are rated, will be made available to all personnel prior to the Board convening.

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3. The Director of Human Resources shall oversee the Oral Board process to facilitate its completion and insure that it is conducted in accordance with principles of fairness and acceptable personnel practice.
 4. All candidates for the rank of Lieutenant will appear before the Oral Board in the proper uniform of the day. Candidates assigned to the Special Investigation Section whose appearance is incompatible with wearing the uniform and who are identified in writing by the Section OIC and approved by the Deputy Superintendent will be exempt from this requirement.
 5. An orientation and training program of the Oral Board process will be conducted at the DSP Training Academy in Classroom 1 **at 1830 hours on October 10, 2001**. All candidates are invited to attend but must sign up in advance **by E-mailing Laurie Balcerak at the Human Resources Office**.
- D. Any officer currently at the rank of Sergeant may compete for the rank of Lieutenant. A candidate must have a minimum of one year in grade to be eligible to be selected for promotion.
- E. Candidates for promotion to the rank of Lieutenant must have a Bachelor of Arts or Science from an accredited college or university in order to be promoted. Candidates hired on or before July 1, 1985 are exempt from this requirement.

III. Selection Process for Sergeant:

- A. A promotional list will be developed for the rank of Sergeant consisting of a series of bands containing the names of equally qualified candidates.
- B. The written examination for Corporals competing for the rank of Sergeant will be given **at 0800 hours and again at 1230 hours on Tuesday, September 11, 2001**, at the Clayton Fire Hall, Railroad Avenue, Clayton, Delaware. Personnel will be admitted at 0730 hours and 1200 hours, or as soon as the 0800 hours testing process is completed.
 1. Troop Commanders and Section Chiefs will be responsible for adjusting work schedules to ensure adequate staffing and the assignment of all qualified candidates to the allotted slots. **All personnel must present their DSP Identification to be admitted for testing.**
 2. The written examination will consist of 100 multiple choice questions selected from the following sources:
 - a. Supervising Police Personnel, the Fifteen Responsibilities by Paul M. Whisenand. 4th Edition, April 2000. Prentice Hall.

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1. Approximately 40 %
 2. Available at amazon.com. (\$75 plus shipping) & Barnes & Noble.com. (\$78 plus shipping).
- b. American Law Enforcement 2001: Tactical Risk Management – A look at the link between proper conduct, ethical behavior and decision making, maximizing customer service and eliminating police civil liability, by Gordon J. Graham.
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- d. DSP Divisional and Administrative Manuals
1. Approximately 20%.
 2. Available on the DSP Intranet.
- e. Delaware Criminal and Traffic Law Manual, 2000-01 Edition
1. Approximately 30 %.
 2. All candidates should bring a copy of the Law Manual to the test site. Questions relating to the Law Manual will be in a separate test booklet, which will be handed out when the first booklet is turned in.
3. A Study Skills Seminar will be conducted **at 1400 hours, June 26, 2001, and again at 1830 hours, June 27, 2001**, in Classroom 1 of the DSP Training Academy. E-mail Laurie Balcerak of the Human Resources Office to reserve a seat for one of the sessions. The instructor will be Captain Gregory Warren.
4. Corporals intending to take the written examination and compete for the rank of Sergeant must notify their Troop Commander or Section Chief and be assigned a testing time. Testing slots and sign-up sheets will be provided to each troop/section **on or before August 3, 2001**. Notification to the Troop Commander/Section Chief, assignment of testing slots, and return of the sheets to the Human Resources Office must be done **by 1600 hours, Friday, August 24, 2001**.

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- C. Oral Board – Candidates, in accordance with Section IV - A - 1, below, shall proceed to the Oral Board Phase of the promotion process.
1. The Oral Board will consist of five (5) members of State Police Departments in surrounding states at the rank being selected or above. Names of board members will be announced later.
 2. The candidate will be provided with one or more scenario-type situations approximately forty-five minutes before the start of the Oral Board examination to prepare a presentation to the Board. The candidate will have approximately fifteen (15) minutes to present his/her response of the scenario to the Board. Following the candidate's presentation, the Board will ask follow-up questions pertaining to the presentation and/or other situations appropriate to the rank of Sergeant. The complete description of the Oral Board process, as well as the instructions on how candidates are rated, will be made available to all personnel prior to the Board convening.
 3. The Director of Human Resources shall oversee the Oral Board process to facilitate its completion and ensure that it is conducted in accordance with principles of fairness and acceptable personnel practice.
 4. Candidates will appear before the Oral Board in the appropriate uniform of the day. Candidates assigned to the Special Investigation Section whose appearance is incompatible with wearing the uniform and who are identified in writing by the Section OIC and approved by the Deputy Superintendent will be exempt from this requirement.
 5. An orientation and training program of the Oral Board process will be conducted at the DSP Training Academy in Classroom 2 at 1830 hours on October 9, 2001. **This program is limited to candidates appearing before the Oral Board for the first time.**
 6. A training program for the Oral Board Process will be conducted at the DSP Training Academy in Classroom 2 at 1830 hours, October 10, 2001. **This program is open to all Sergeant and Lieutenant candidates.**
- D. Candidates for promotion to the rank of Sergeant must have an Associates Degree or an equivalent number of credit hours (60 semester or 90 quarter) from an accredited college or university in order to be promoted. Officers hired on or before July 1, 1985, are exempt from this requirement.

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- E. Corporals are eligible for promotion to Sergeant upon the completion of six years of total service that includes two years at the rank of Corporal or above and may compete for promotion if those requirements will be met on or before December 31, 2003.
- F. A candidate must have a minimum of one year in grade as a Corporal immediately prior to promotion, to be eligible to be selected for promotion to Sergeant.

IV. General requirements for promotion to all ranks:

A. Cut-off to Assessment Center or Oral Board.

- 1. All written examinations will be graded and scores forwarded to Dr. Paul Shaman, Professor, Department of Statistics, The Wharton School of the University of Pennsylvania. Dr. Shaman will determine an appropriate cut-off score for each rank based on the written examination results, the anticipated number of vacancies, and other factors relative to the candidate's ability to function at the higher rank. Candidates with scores above the cut-off will proceed to the next phase of the selection process.

B. Performance Appraisal

- 1. The performance appraisal will be completed by supervisors on all officers semi-annually and the original copy placed in the officer's personnel file.
- 2. The Superintendent will review all performance appraisals dating from January 1, 2000, of all candidates within a band prior to selecting candidates for promotion from within that band.
- 3. Candidates who have received a Promotability Rating of "Not Recommended" may, at the Superintendent's discretion, be passed over for promotion, allowing the selection of an individual from the next lower band.

C. No officer on probation as a result of disciplinary action or performance will be promoted, but may compete in the promotion process if the expected date of probation will end prior to the expiration date of the promotional list.

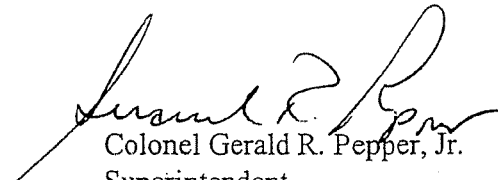
D. No officer with an active request for pension before either the Human Resources Office or the Pension Office may compete in the promotional process. Any officer currently unable to meet all applicable job standards for medical reasons, or who becomes medically restricted prior to being promoted, must furnish the Human Resources Office with a diagnosis from an acceptable medical authority indicating a prognosis and a time frame for meeting all applicable job standards.

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- E. To be selected for promotion, candidates must meet Divisional standards for all of the following:
1. Physical fitness
 2. Weight control program
 3. Firearms
- F. Disciplinary records of all candidates will be reviewed prior to the examination process and prior to the selection of individuals for promotion. Individuals who, within the past year, have been disciplined as a result of hearings before the Superintendent or a trial board and those with continuing occurrences of summary discipline, will be reviewed by the Superintendent and, at the Superintendent's discretion, may be declared ineligible to compete or to be promoted.
- G. Selection of candidates for the rank of Captain shall be in accordance with paragraph I - D, above.
- H. The final score of candidates competing for promotion to the ranks of Lieutenant and Sergeant will be a composite of the written examination and oral board weighted equally. Candidates will then be placed in bands according to a standard distribution. All candidates within each band will be considered equally qualified for promotion when all other promotional requirements are met. The candidates within a band will be arranged alphabetically. Selection from within the band will be at the discretion of the Superintendent consistent with the rules contained herein. When selecting a candidate for promotion from within a band, the Superintendent shall consider any or all relevant factors necessary for successful performance at the higher rank. All candidates eligible for promotion at a particular point in the process from a higher band, will be selected before consideration of individuals within a lower band. If an individual in a higher band is not eligible due to a requirement noted herein, the Superintendent may select an individual for promotion from the next lower band. However, to fill later promotions, the Superintendent is required to move back to the individual sitting in the higher band if he or she now meets all requirements.



Colonel Gerald R. Pepper, Jr.
Superintendent

GRP:lab

EXHIBIT B

**DELAWARE STATE POLICE
HEADQUARTERS**

November 21, 2001

MEMORANDUM NO. 37-01

TO: ALL TROOPS AND SECTIONS

FROM: Lt. Colonel L. Aaron Chaffinch
Acting Superintendent

SUBJECT: Promotional Process for the Rank of Sergeant; Listing of Bands

1. Listed below are the results of the promotional process for Sergeant. Bands are listed in alphabetical order.
2. Promotions will be selected from the bands until December 31, 2003, or until such time as a new list is promulgated. Selections within the bands will be at the discretion of the Superintendent consistent with the rules previously published in Memorandum No. 16-01 with the provision that all candidates eligible for a promotion at a particular point in the process from a higher band be selected before consideration of individuals within a lower band. If an individual in a higher band is not eligible due to failing to meet a standard or requirement, the Superintendent may select an individual for promotion from the next lower band. However, to fill later promotions, the Superintendent will be required to move back to the individual sitting in the higher band if he/she now meets all requirements and standards.
3. The Superintendent will review all Performance Appraisals dating from January 1, 2000, of all candidates within a band prior to selecting candidates for promotion from within that band. Candidates who have received a Promotability Rating of "Not Recommended" may, at the Superintendent's discretion, be passed over for promotion, allowing the selection of an individual from the next lower band.
4. Promotion to the rank of Sergeant requires the completion of six years of total service, which includes two years at the rank of Corporal or above, one of which must immediately proceed promotion.
5. No officer with an active request for pension before either the Human Resources Office or the Pension Office is eligible for promotion. Any officer currently unable to meet all applicable job standards for medical reasons or who becomes medically restricted prior to being promoted must furnish the Human Resources Office with a diagnosis from an acceptable medical authority indicating a prognosis and the time frame for meeting all applicable job standards. The decision to allow individuals on medical restrictions to be eligible for selection rests with the Superintendent whose decision shall be final.

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6. Disciplinary records of all candidates will be reviewed prior to the selection of individuals for promotion. Individuals who, within the past year, have been disciplined as a result of hearings before the Superintendent or a trial board and those with continuing occurrences of summary discipline will be reviewed by the Superintendent and, at the Superintendent's discretion, may be declared ineligible to be promoted.

7. To be selected for promotion, candidates must meet departmental standards for all of the following:

- A. Physical Fitness
- B. Weight Control Program
- C. Firearms

8. Candidates for promotion to the rank of Sergeant must have an Associate's Degree or an equivalent number of credit hours (60 semester or 90 quarters) from an accredited college or university in order to be promoted. Officers hired on or before July 1, 1985 are exempt from this requirement.

9. Bands D, E, F, and G will be published if and when it appears that promotions may be selected from those bands.

Corporal to Sergeant

A Band

Zebley, Melissa A.

B Band

Cox, Colby A.
Hudson, Robert A.
Perna, Kevin A.
Reader, Michael A.
Sapp, Jason H.
Whaley, Michael A.

C Band

Berry, Michael R.
Bond, Carl D.
Carver, Thomas F.
Conklin, Kevin M. (Eligible 1/16/03)
Cosgrove, Michael S.
Hukill, Melissa J. (Eligible 3/16/02)
Jones, Susan L.
Lester, Darren J.
Newton, Walter W.
Owings, John H.
Samis, John M.
Sawyer, Peter B. (Eligible 11/1/02)
Spagnolo, Joseph J.
Strohm, Philip N.
Wheeler, Michael J.

Lt. Col. L. Aaron Chaffinch
Lt. Colonel L. Aaron Chaffinch
Acting Superintendent

LAC:lem

EXHIBIT C

DELAWARE STATE POLICE
HEADQUARTERS

June 17, 2003

MEMORANDUM NO. 10-03

TO: ALL TROOPS AND SECTIONS

FROM: Colonel L. Aaron Chaffinch
Superintendent

SUBJECT: Promotional Process for the Rank of Sergeant; Listing of Bands –
Publication of Band D

1. In accordance with Memorandum No. 37-01, Promotional Process for the Rank of Sergeant; Listing of Bands, paragraph 9, Band D, listed below, is now being published because it appears that promotions may be selected from Band D.

2. Names are listed in alphabetic order.

Albert, Mark J.	McColgan, John J.
Austin, Michael A.	McKeown, Thomas J.
Barnett, John W.	Mullarkey, Sean P.
Blades, Harlan R.	Mulvena, Brian D.
Bushweller, Joshua A.	Murray, William P. (Eligible 9/29/03)
Collins, Richard K.	Nelson, Michael L.
Di Orio, James J.	Nottingham, William R.
Disharoon, Thomas E.	Ptak, John J.
Dooner, Christopher W.	Sawchenko, Charles A.
Gardner, Joseph M.	Shockley, Timothy D.
Groce, Charles E.	Smith, Kevin J.
Groce, Mark F.	Sponaugle, Daniel L.
Hudson, Douglas B.	Talley, Brian C.
Hudson, Mark E.	Williams, Mark A.
Kline, David J.	Wood, Jon F.
Lintz, Timothy R.	

Colonel L. Aaron Chaffinch
Superintendent

LAC:lem

EXHIBIT D

McNatt Lisa E (DSP)

From: Gallo Krista (DSP)
Sent: Friday, August 22, 2003 4:02 PM
To: DSP_Users
Subject: TRANSFERS / PROMOTIONS

The following transfers will be effective on Sunday, September 21, 2003:

<u>IBM</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
625	Aviola, Joseph P., Jr.	T - 6, Crim Lt.	Director, PIO
839	Bailey, Alice J.	T - 2, Patrol	T - 9, Admin.
600	Benson, Sherri L.	T - 5	T - 4, CIU
529	Blades, Harlan R., III	T - 3	T - 3, Shift Cmdr.
677	Brackin, Thomas J.	T - 2, Major Crimes	T - 6, Crim Lt.
215	Bramble, Daniel I., Jr.	T - 2, CIU	T - 1
560	Brown, Charles C.	T - 4, CIU	T - 5, Traffic Lt.
218	Caldwell, Charles E., Jr.	T - 7	T - 5, Shift Cmdr.
603	Campanella, John A.	SIU - Vice	HQ - Traffic
915	Carver, Thomas F.	T - 1	T - 2, Shift Cmdr.
075	Chamberlin, George R.	T - 5, Crim Lt.	T - 7, Crim Lt.
590	Cohee, Richard H.	T - 4	Planning
535	Cooper, Mitch C.	T - 7, Crim Lt.	T - 4, Traffic Lt.
916	Cosgrove, Michael S.	T - 3, CIU	T - 7, Shift Cmdr.
706	Dixon, Glenn D.	HQ - Traffic	Commander, Troop 5
022	Donaway, Gregory W.	SIU - South	T - 3, Crim Lt.
460	Doubet, Dennis J.	Accreditation	Commander, T - 1
589	Downes, Harry W., Jr.	Troop 3, Traff Lt.	OIC, Domestic Violence
300	Earle, Gregory M.	T - 2	SIU - North
110	Eisenhardt, Michael J.	T - 2, Polygraph	T - 1, Crim Lt.
805	Elliott, Thomas K.	T - 5	T - 4, CIU
135	Fournier, Gary E.	T - 3, SRO	T - 7, Patrol
162	Greer, Millard A.	T - 6	T - 2, CIU
920	Hall, David W.	T - 7, K-9	T - 3, K-9
541	Harris, William T.	Intelligence	OIC, Intelligence/HTCU
266	Holmes, Evan G.	T - 1	T - 2, CIU
092	Homiak, Albert J., Jr.	SIU	Director, Planning
216	Hudson, Douglas B.	Troop 4, CIU	T-7, Shift Cmdr.
812	Hudson, Robert A., II	T - 7	T - 4, CIU
959	Hukill, Melissa J.	SIU - North	SIU - Vice, NCOIC
558	Huttie, Joseph E.	T - 3, Crim Lt.	T - 3, Traffic Lt.
713	Jones, Susan L.	T - 6	T - 2, CIU - Fraud
512	Laird, John J.	Commander, T - 1	Commander, T - 2
783	Lineweaver, Dennis R.	T - 4, GTF	T - 4, Patrol
472	Mergenthaler, Daryl R.	OIC, VLEU	Commander, T - 4
896	Moriarty, Sean E.	T - 4, Patrol	T - 4, Polygraph
614	Morris, Timothy S.	Homicide Unit	T - 6
380	Nichols, Wendy S.	T - 1	Accreditation
671	Ogden, Patrick A.	T - 1, Crim Lt.	SIU - North

580	Papili, Mary Ann	Commander, T - 6	Info Technology
823	Porter, William J.	T - 3, CIU	Homicide Unit
191	Pulling, Richard C., Jr.	Director, Planning	OIC, VLEU
287	Ryde, Mark G.	T - 3 D.V.	T - 3 CIU
102	Sawyer, Peter B.	T - 2, CIU	T - 6, Shift Cmdr.
237	Schmitt, Dennis R.	T - 9	T - 2, CIU
196	Simpson, Charles J.	Commander, T -2	Commander, SIU
553	Slank, John J., III	T - 9, Admin	T - 2, Admin.
171	Smentkowski, Paul E.	T - 2	Accreditation
698	Strohm, Philip N.	T - 6	T - 1, Shift Cmdr.
773	Truitt, Robert P.	T - 2, CIU	T - 2, Traffic
581	VonGoerres, Bruce E.	T - 4, Traffic Lt.	SIU - South
249	Wallace, Robert F.	T - 3	T - 3, CIU
905	Wheeler, Michael J.	T - 3, Patrol	T - 4, Shift Cmdr.
201	Winstead, Timothy E.	PIO	Commander, T - 6

The following promotions will be effective Sunday, September 21, 2003:

<u>IBM</u>	<u>NAME</u>	<u>FROM</u>	<u>TO</u>
706	Dixon, Glenn D.	Lieutenant	Captain
589	Downes, Harry W., Jr.	Lieutenant	Captain
663	Evans, Jeffrey R.	Lieutenant	Captain
541	Harris, William T.	Lieutenant	Captain
092	Homiak, Albert J., Jr.	Lieutenant	Captain
171	Smentkowski, Paul E.	Lieutenant	Captain
201	Winstead, Timothy E.	Lieutenant	Captain
599	Alexander, William J.	Sergeant	Lieutenant
839	Bailey, Alice J.	Sergeant	Lieutenant
677	Brackin, Thomas J.	Sergeant	Lieutenant
560	Brown, Charles C.	Sergeant	Lieutenant
603	Campanella, John A.	Sergeant	Lieutenant
110	Eisenhardt, Michael J.	Sergeant	Lieutenant
132	Moses, Robert C.	Sergeant	Lieutenant
529	Blades, Harlan R., III	Corporal/3	Sergeant
216	Hudson, Douglas B.	Corporal/3	Sergeant
915	Carver, Thomas F.	Corporal	Sergeant
916	Cosgrove, Michael S.	Corporal	Sergeant
959	Hukill, Melissa J.	Corporal	Sergeant
713	Jones, Susan L.	Corporal/3	Sergeant
102	Sawyer, Peter B.	Corporal	Sergeant
905	Wheeler, Michael J.	Corporal	Sergeant

Sent authority Colonel L. Aaron Chaffinch, Superintendent

*Krista Gallo
Delaware State Police
Office of the Superintendent*

*P.O. Box 430
Dover, Delaware 19903
SLC: D130A
(302) 739-5911
(302) 739-5966 - Fax*


EXHIBIT E

**DELAWARE STATE POLICE
HEADQUARTERS**

February 18, 2004

MEMORANDUM NO. 01-04B

TO: ALL TROOPS AND SECTIONS

FROM: Colonel L. Aaron Chaffinch 
Superintendent

SUBJECT: Rules for the 2004 Sergeant, Lieutenant, and Captain Promotional Process

The below bolded items are changes that have been made to the previous MEMORANDUM NO. 01-04A.

II. Captain Process - Section B., #2., - Assessment Center - deleted writing exercise

- ✓ **Section B., #6., - Assessment Center Orientation/Training date changed to April 6, 2004 at 0900 hours at the Academy**

III. Lieutenant Process - Section C., #5., - Assessment Center Orientation/Training date changed to April 5, 2004 at 1430 hours at the Academy

IV. Sergeant Process - Section C., #3., - Oral Board/Resume Orientation/Training date changed to April 5, 2004 at 0900 hours and again on April 6, 2004 at 1430 hours at the Academy

I. Development and Administration

- A. Barrett and Associates has been contracted by the Division to perform Job Task Analyses, develop, administer, and oversee all phases of the 2004 Promotional Process for the ranks of Sergeant, Lieutenant, and Captain to ensure that all components are conducted in accordance with principles of fairness and acceptable personnel practices.
- B. Study Skills Seminars for the written tests and Orientation and Preparation Training for the Assessment Centers, Oral Boards, and Resume' Boards will be instructed by Barrett and Associates.
- C. Assessors for the Captain and Lieutenant Assessment Centers and Sergeant Oral Board and Resume' Board members will be selected and trained by Barrett and Associates and will consist of members of State Police Departments from surrounding states. Names of assessors and board members will be announced at a later date.

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- D. Barrett and Associates will provide pre-test study guides to all Lieutenant and Sergeant candidates.
- E. Barrett and Associates will grade all written tests and notify all candidates, in writing, at either a home address or an address of the candidates' choosing. At that time, candidates will also be notified of their eligibility to proceed to the next phase of the promotional process.
- F. All Assessment Center, Oral Board, and Resume' Board scoring will be performed by Barrett and Associates.
- G. A representative from the State Personnel Office will be present and serve as a monitor during the Captain and Lieutenant Assessment Center and the Sergeant Oral Board process.
- H. All locations relative to the Promotional Process testing, Oral Boards, Assessment Centers, and Study Skills/Seminars will be announced at a later date.

II. Captain Process

- A. Eligibility – any Lieutenant having served one year of continuous service in rank at the time of the administration of the Assessment Center may compete for the rank of Captain.
- B. An Assessment Center for the rank of Captain will consist of four (4) exercises designed to measure and report management knowledge, skills, and abilities essential for the rank of Captain. This process will be administered in two (2) segments.
 - 1. The in-basket exercise will be conducted on May 11, 2004, at 0900 hours.
 - 2. An oral presentation and oral interview will be conducted on May 12, 2004, at 0800 hours.
 - 3. All candidates will appear before the Assessors in professional business attire.
 - 4. Each exercise will be weighted equally at 25%. Candidates will receive a cumulative score based on their performance in the four (4) exercises.
 - 5. Lieutenants intending to compete for the rank of Captain must notify Vanessa Laughman in the Human Resources Office before 1600 hours on March 5, 2004. Candidates are encouraged to register for the examination as soon as practical.
 - 6. An orientation and training program will be held on April 6, 2004, at 0900 hours at the Academy. All candidates are invited to attend but must confirm attendance via e-mail to Vanessa Laughman.

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C. Selection for promotion – a promotional list will be developed for the rank of Captain consisting of a straight banding process containing the names of equally qualified candidates distributed on the basis of candidate's cumulative Assessment Center scores. The top twenty-four (24) candidates will be banded based on a business need formula as established by Barrett and Associates. The Superintendent shall promote candidates to the rank of Captain from the list of eligible candidates after considering the following factors:

1. Possess a Bachelors Degree if hired after July 1, 1985, and;
2. Performance evaluations covering the period October 1, 2003, until the expiration of the promotional list, and;
3. The candidate's formal and informal academic qualifications, and;
4. The candidate's experience and past assignments within the DSP, and;
5. The candidate's history of discipline, and;
6. Any awards, honors, and recognition received by the candidate, and;
7. The assignment to which the candidate will be, or could be, assigned to perform, and;
8. Meet general Divisional requirements for promotion as listed in Section V, and;
9. Any other factors that, at the discretion of the Superintendent, reflect on the candidate's ability to fill the vacancy and benefit the Division.

III. Lieutenant Process

- A. Eligibility – any Sergeant having served one year of continuous service in rank at the time of the written test may compete for the rank of Lieutenant.
- B. The written test will be administered on March 26, 2004, at 0800 hours.
 1. The written examination will consist of 100 multiple-choice questions selected from the following sources:
 - a. Leadership, Ethics, and Policing: Challenges for the 21st Century. By Edwin Meese III and P.J. Ortmeier, January, 2003. Prentice Hall.
 1. Approximately 30 %
 2. Available through amazon.com and prenhall.com.

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- b. DSP Divisional and Administrative Manuals
 - 1. Approximately 50%
 - 2. A supply of Administrative and Divisional Manual Test Study Guides will be distributed to Troops and Sections during the week of January 12th. If additional copies are required **contact Connie Sipple in the Human Resources Office.**
- c. Delaware Criminal and Traffic Law Manual, 2002-03 Edition
 - 1. Approximately 20%
 - 2. This portion of the test will be open book. Candidates should bring their copy of the Law Manual with them to the test site.
 - 3. Questions relating to the Law Manual will be in a separate test booklet, which will be handed out when the first booklet is turned in.
- 2. Sergeants intending to compete for the rank of Lieutenant **must notify Vanessa Laughman in the Human Resources Office before 1600 hours on March 5, 2004. Candidates are encouraged to register for the examination as soon as practical.**
- 3. A Study Skills-Seminar will be conducted on January 28, 2004, at 1400 hours and again on January 29, 2004, at 0900 hours. All candidates are invited to attend but **must confirm attendance via e-mail to Vanessa Laughman.**
- 4. Following the administration of the written test and finalization of test results, the top forty-five (45) candidates will proceed to the Assessment Center based on a business need formula as established by Barrett and Associates.
- C. The Assessment Center for the rank of Lieutenant will consist of two (2) exercises.
 - 1. In-basket exercises will commence on May 7, 2004.
 - 2. Oral interviews will commence on May 10, 2004.
 - 3. All candidates will appear before the Assessors in professional business attire.
 - 4. Each exercise will be weighted equally at 30%.
 - 5. An orientation and training program will be held on April 5, 2004, at 1430 hours at the Academy. All candidates are invited to attend **but must confirm attendance via e-mail to Vanessa Laughman.**
- D. Selection for promotion – a promotional list will be developed for the rank of Lieutenant consisting of a straight banding process containing the names of equally qualified candidates distributed on the basis of candidate's performance on the written test and Assessment

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January 18, 2004

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Center exercises. The following additional factors will be considered when making promotions:

1. Possess a Bachelor of Arts or Science from an accredited college or university if hired after July 1, 1985, and;
2. Meet general Divisional requirements for promotion as listed in Section V.

IV. Sergeant Process

- A. Eligibility – any Corporal having served five (5) years of continuous service at the time of test administration.
- B. The written test will be administered on March 27, 2004, at 0800 hours and again at 1130 hours. Personnel will be admitted at 0730 hours and 1100 hours, or as soon as the 0800 hours testing process is completed.
 1. Troop Commanders and Section Chiefs will be responsible for adjusting work schedules to ensure adequate staffing and the assignment of all qualified candidates to the allotted slots. All personnel must present their DSP Identification to be admitted for testing.
 2. The written test will consist of 100 multiple-choice questions selected from the following sources:
 - a. Supervision of Police Personnel, by Nathan F. Iannone and Marvin D. Iannone. Sixth Edition, May, 2000. Prentice Hall.
 1. Approximately 30 %
 2. Available through amazon.com and prenhall.com.
 3. The following chapters will not be used:
 - a. Chapter 4 - The Training Function: Problems and Approaches
 - b. Chapter 5 - The Instructional Process
 - c. Chapter 7 - Principles of Interviewing
 - d. Chapter 17 - Conference Leading
 - b. DSP Divisional and Administrative Manuals
 1. Approximately 50%
 2. A supply of Administrative and Divisional Manual Test Study Guides will be distributed to Troops and Sections during the week of January 12th. If additional copies are required contact Connie Sipple in the Human Resources Office.

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- c. Delaware Criminal and Traffic Law Manual, 2002-03 Edition
 1. Approximately 20 %
 2. This portion of the test will be open book. Candidates should bring their copy of the Law Manual with them to the test site.
 3. Questions relating to the Law Manual will be in a separate test booklet, which will be handed out when the first booklet is turned in.
3. Corporals intending to compete for the rank of Sergeant must notify their Troop Commander or Section Chief and be assigned a testing time. Testing slots and sign-up sheets will be provided to each troop/section on or before February 13, 2004. Notification to the Troop Commander/Section Chief, assignment of testing slots, and return of the sheets to the Human Resources Office must be done by 1600 hours on March 4, 2004.
4. A Study Skills Seminar will be conducted on January 28, 2004, at 0900 hours and again on January 29, 2004, at 1830 hours. All candidates are invited to attend **but must confirm attendance via e-mail Vanessa Laughman.**
5. Following the administration of the written test and finalization of test results, the top seventy-five (75) candidates will proceed to Oral Board and Resume' Board based on a business need formula as established by Barrett and Associates.
- C. Oral Boards for the rank of Sergeant are scheduled to be conducted beginning May 3, 2004.
 1. Candidates will be provided with a scenario-type situation and will prepare a presentation to the Board.
 2. Candidates will appear before the Oral Board in the appropriate uniform of the day. Candidates assigned to the Special Investigations Unit whose appearance is incompatible with wearing the uniform and who are identified in writing by the Section OIC and approved by the Deputy Superintendent will be exempt from this requirement.
 3. An orientation and training program will be held on April 5, 2004, at 0900 hours and again on April 6, 2004, at 1430 hours at the Academy. All candidates are invited to attend **but must confirm attendance via e-mail Vanessa Laughman.**
- D. Resume' Boards for the rank of Sergeant are scheduled to be conducted beginning May 3, 2004. Resume' guidelines will follow a standard guideline as established and published by Barrett and Associates. Training and strict guidelines for resume' development will be provided by Barrett and Associates.
- E. Selection for promotion - A promotional list will be developed for the rank of Sergeant consisting of a straight banding process containing the names of equally qualified candidates. The following additional factors will be considered when making promotions:

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January 18, 2004

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1. Possess an Associates Degree or an equivalent number of credit hours (60 semester or 90 quarter) from an accredited college or university if hired after July 1, 1985, and;
2. Meet general Divisional requirements for promotion as listed in Section V.

V. General requirements for promotion to all ranks:

A. Performance Appraisal

1. Performance appraisals will be completed by supervisors on all officers on an annual basis with the original copy placed in the officer's personnel file.
2. The Superintendent will review all performance appraisals from October 1, 2003, until the expiration of the promotional list.
3. Candidates who have received a Promotability Rating of "Not Recommended" may, at the Superintendent's discretion, be passed over for promotion, allowing the selection of an individual from the next lower band.

B. No officer on probation as a result of disciplinary action or performance will be promoted, but may compete in the promotion process if the expected date of probation will end prior to the expiration date of the promotional list.

C. No officer with an active request for pension before either the Human Resources Office or the Pension Office may compete in the promotional process. Any officer currently unable to meet all applicable job standards for medical reasons, or who becomes medically restricted prior to being promoted, must furnish the Human Resources Office with a diagnosis from an acceptable medical authority indicating a prognosis and a time frame for meeting all applicable job standards.

D. To be selected for promotion, candidates must meet Divisional standards for all of the following:

1. Physical fitness
2. Weight control program
3. Firearms

E. Disciplinary records of all candidates will be reviewed prior to the selection of individuals for promotion. Individuals who, within the past year, have been disciplined as a result of hearings before the Superintendent or a trial board and/or those with multiple occurrences of summary discipline, will be reviewed by the Superintendent and, at the Superintendent's discretion, may be declared ineligible to compete or to be promoted.

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VI. Final Scoring and Band Process

A. Final Scores will be determined by the following:

1. Sergeant will be a composite of the written test (40%), Oral Board (40%) and Resume' Board (20%).
2. Lieutenant will be a composite score of the written test (40%) and Assessment Center (60%).
3. Captain will be the cumulative score of the four (4) Assessment Center exercises weighted equally at 25%.

B. Banding Process

1. Candidates will then be placed in bands according to a straight banding system based on a 100-point scale. The bands will be categorized as follows:
 - a. A band = 90 - 100
 - b. B band = 80 - 89
 - c. C band = 70 - 79
 - d. D band = 60 - 69
 - e. E band = 50 - 59
2. All candidates within each band will be considered equally qualified for promotion when all other promotional requirements are met. The candidates within a band will be arranged alphabetically.
3. Selection from within the band will be at the discretion of the Superintendent consistent with the rules contained herein. When selecting a candidate for promotion from within a band, the Superintendent shall consider any or all relevant factors necessary for successful performance at the higher rank. All candidates eligible for promotion at a particular point in the process from a higher band will be selected before consideration of individuals within a lower band.
4. If an individual in a higher band is not eligible due to a requirement noted herein, the Superintendent may select an individual for promotion from the next lower band. However, to fill later promotions, the Superintendent is required to move back to the individual sitting in the higher band if he/she now meets all requirements.



Colonel L. Aaron Chaffinch
Superintendent

LAC:lem

EXHIBIT F

**DELAWARE STATE POLICE
HEADQUARTERS**

May 28, 2004

MEMORANDUM NO. 13-04

TO: ALL TROOPS AND SECTIONS

FROM: Colonel L. Aaron Chaffinch
Superintendent

SUBJECT: Promotional Process; Listing of Bands

1. Listed below are the results of the promotional process and the list of bands for the ranks of Captain, Lieutenant, and Sergeant. Bands are listed in alphabetical order.
2. Promotions will be selected from the bands until June 30, 2006, or until such time as a new list is promulgated. Selections within the bands will be at the discretion of the Superintendent consistent with the rules previously published in Memorandum No. 01-04B.
3. Bands C, D, and E will be published if and when it appears that promotions may be selected from those bands.

For the Rank of Captain

A Band

Robert M. Coupe
Galen M. Purcell

B Band

Joseph P. Aviola
John R. Evans
Ronald W. Hagan
Monroe B. Hudson
Patrick A. Ogden

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For the Rank of Lieutenant

A Band

** Sherri L. Benson
Michael R. Berry
James T. Hulings
Thomas C. Logan
Sean E. Moriarty
Jason H. Sapp
Roger A. Willey

B Band

Charles E. Caldwell
Marshall D. Craft
Randy E. Fisher
Alexander Gallagher
Leslie A. Grow
Kenneth E. Hardy
** Robert A. Hudson
Timothy J. LaMarche
Darren J. Lester
Lloyd G. Massey
Joseph S. Myers
Walter W. Newton
Raymond A. Peden
Michael A. Reader
Devearl R. Royster
Raymond M. Simpson
Joseph J. Spagnolo
Michael J. Wintermantel
Melissa A. Zebley

** Eligible pending fulfillment of educational requirement

Memorandum No. 13-04

May 28, 2004

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For the Rank of Sergeant

A Band

Joshua A. Bushweller
Christopher W. Dooner
Daniel H. Hall
Rodney M. Layfield
Blaine L. Quickel
Daniel L. Sponaugle

B Band

Daniel I. Bramble
William D. Crotty
Jeffrey L. Ford
Charles E. Groce
Mark F. Groce
Eric L. Hamm
Mark D. Hawk
Mark E. Hudson
Robert M. Jones
John J. McColgan
John B. Mitchell
Michael O. Nichols
Scott B. Parsons
William J. Porter
Edward Schiavi
Edward J. Sebastianelli
Darren B. Short
Siobhan G. Sullivan
Brian C. Talley
Robert F. Wallace
Mark A. Williams
Jon F. Wood
Rodney L. Workman



Colonel L. Aaron Chaffinch
Superintendent

LAC:lem